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"CREATIVE DESTRUCTION" AND THE ECONOMY OF WASTE

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ABSTRACT

Starting off with some examples of illegal dumping of waste, the author examines the relationship between the official economy and organised crime. At the core of 'creative destruction', in his argument, are not only conventional illegal practices, but entrepreneurial initiative per se, revolving around notions of limitless growth and obsessive, infinite, development. Ultimately, it is economic thought itself which may be held ideologically and empirically responsible for an economy of waste and the destruction of the environment.

Keywords: environment, organised crime, dirty collar crime, economic growth.

RESUMEN

Comenzando con algunos ejemplos de vertido ilegal de residuos, el autor analiza la relación entre la economía formal y la delincuencia organizada. En el núcleo de la "destrucción creativa", en su argumentación, no sólo se trata de prácticas ilegales convencionales, sino también de iniciativas empresariales per se, que giran en torno a las nociones de crecimiento sin límites y de desarrollo obsesivo, e infinito. En última instancia, es el pensamiento económico en sí mismo, el que puede ser considerado ideológicamente y empíricamente responsable de una economía de los residuos *y de la destrucción del medio ambiente.*

***Palabras clave*:** Medio ambiente, delincuencia organizada, delitos de cuello sucio, crecimiento económico

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INTRODUCTION

The environment has been among the theoretical and practical concerns of criminology for many years, but it could be argued that such concerns have long been 'indirect' in nature. The real object of study, in past decades, was how organised and white collar criminals operated in illicit businesses that had an environmental impact, for instance, businesses relating to garbage disposal or the construction industry. The former activity, as it was often found, was performed outside the statutory rules establishing the types of substances to be dumped and exactly where they were to be dumped. The latter, as investigators proved, led to illicit building in geologically hazardous sites, and contrary to the guidelines regarding the precise materials to use and their proven safety. Not surprisingly, investigators and scholars focusing on these issues were experts in organised and white collar crime, with the environment providing a mere backdrop for law enforcement and academic efforts. It was only in the 1990s that a proper 'green field' for criminology began to be developed, and this article attempts to add to the analysis and information produced over the last two decades in that field. The first section focuses on the illegal dumping of waste. The description of this specific form of eco-crime is followed by a brief outline of the main concerns around environmental harm caused not only by illegitimate, but also by legitimate behaviour. The subsequent analysis, after defining the legal framework in which environmental harm is caused, draws on the categories utilised by Max Weber in his study of the relationship between law and economy. A discussion of the variables 'innovation' and 'deviance', used in economics as well as in criminology, concludes the article, which finally examines the very logic of economic development. This logic may explain the prevalence of environmental crime, while alternative economic analysis, it is argued, may provide the tools for its prevention.

Dirty collar crime

Research conducted over the last decades has shown that processing industrial waste without a licence and sidestepping environmental regulations 'is cheaper and faster'. Cases uncovered in several countries prove that illegal enterprises may offer service packages which comprise false invoices, transport facilities, mendacious chemical reports as to the nature of the substances dumped and forged permits to dump. The dynamic of this illicit activity is similar in most parts of the world (van Duyne, 1993; Brants, 1994; Moore, 1994). In European countries some legally registered companies also operate illegally. They either establish partnerships with legitimate firms or run their own in-house, parallel, illicit business (Ruggiero, 2010; Ruggiero and South, 2010). The choice between the two services is determined by how much the customer is prepared to pay. It is otiose, in this respect, to question whether customers are aware of the illegal nature of the cheaper option, as its very cheapness speaks for itself (Mandel, 1999; Liddick, 2010). Mandel (1999, p. 66) describes the business of such violators as 'unsanctioned hazardous materials transfers', moving unwanted, frequently toxic, waste from regulated spaces to sites where weak or no opposition will be encountered and from developed to developing nations, all part of a global industry of various 'deadly transfers' occurring across a 'disorderly world'. In the USA research indicates that the

involvement of organised crime reaches all aspects of the business: the control of which companies are officially licensed to dispose of waste, which earn contracts with public or private organisations, the payment of bribes to dump site owners, and the management of such sites (Block and Scarpitti, 1985; Szasz, 1986; Salzano, 1994; Liddick, 2010).

Recent cases which occurred in Germany show that even in countries where the legislation is progressive and clear illegal disposal of waste is widespread. Such cases emerged when a mismatch was noted between the quantity of waste expected and that actually received by incinerators operating in the eastern regions of the country. The missing portion of waste was found to have been dumped in illegal disposal sites (Natale, 2009). Entrepreneurs utilising such dumps opted for the cheapest way of waste management, thus circumventing the rules which impose a fee of around 200 euros per tonne of waste treated. Cases also emerged in which the composition of the waste treated was falsely certified, so that substances which should have been disposed of in special sites were instead dumped in inappropriate ones. That cases such as these occur in highly ecologically aware Germany may be surprising. However, the paradox is that the development of illegal dumping services runs parallel with the very increase in environmental awareness, the latter forcing governments to raise costs for industrial dumping, which indirectly encourages industrialists to opt for cheaper, if illicit, solutions. Moreover, the logic of illegal dumping resembles that of arms producing: the accumulation of weapons in times of peace is meant to provide an immediate supply when they are suddenly deemed necessary. However, their very availability makes the resource to war more likely or even a constant possibility. Constructing illegal dumps, similarly, may not be the result of specific demand by entrepreneurs, but may contribute to trigger that demand once illegal dumping facilities are ready available. Finally, dumping waste abroad, in developing countries, is among the cheapest solutions, and can be described as a form of ecological racism.

Past and current cases of illegal waste disposal share a key characteristic, namely they are the result of partnerships between the official economy and illicit enterprise. When we think about these partnerships, we tend to identify one of the actors involved in the transaction with organised crime. This is true in many cases, in the sense that organised crime may offer a service to legitimate business (Ruggiero, 1996; 2000; Gounev and Ruggiero, 2012). Organised crime, however, may be at times a redundant actor in this business, or may encouraged to intervene due to the ineffectiveness of both states and entrepreneurs. The notorious case of Naples, in this respect, is an example worth reassessing.

The 'rubbish crisis' affecting Naples over the last years involved, first of all, industrial managers and public administrators: the former defrauded the public administration, while the latter proved incapable of controlling the work of those they commissioned and failed to denounce the fraud. Judges brought charges against the company 'Impregilo', which was entrusted with the construction of a multi-layered disposal and recycling system but failed to do so. This failure led to the well known emergency situation, and with a waste of money quantifiable at about eight billion euros, sixty tons of rubbish were scattered on the streets of the Naples province. Managers of 'Impregilo' were accused of presenting an inadequate, fraudulent, tender while aware that the price quoted was unrealistic and that their company lacked the technical capacity to perform the job required. The Mayor of Naples, on the other hand, was charged with gross

negligence and complicity in the fraud, having granted an invalid contract and failed to intervene when the improper conduct of the beneficiary became manifest (Piccoli, 2008). The judicial investigation was a clear response to widespread stereotypes, particularly that responsibility for the rubbish crisis was to be directly attributed to organised crime. Organised crime, in fact, only intervened when the chaotic situation caused by entrepreneurs became manifest. But it would be wrong to impute all the illegality displayed in this case to structured, traditional organised criminal groups. Improvised businessmen started to buy land from small farmers to turn it into illegal dumps, while improvised lorry owners limited their role to the transportation of garbage. The complicity of local politicians was detectable in the hasty, routine authorisations given to such unlikely entrepreneurs. Assumptions that one single, stifling, violent organisation encompassing myriads of illegal acts under a nightmarish 'Gomorrah' totally miss the mark (De Crescenzo, 2008; Ruggiero and South, 2010; Ruggiero, 2010; 2013).

Hazardous productions can be endorsed by governments, who underplay the dangers to people and the environment because, at least officially, they intend to protect key sectors of the economy and important sources of employment opportunities. In some cases, the economy and employment are not the main concerns of state agents, who turn a blind eye in the face of dangerous productions in exchange for bribes. In association with lobbyists, these state agents establish alliances and partnerships which mimic those commonly characterising the activities of organised criminals. We are now entering the arena of environmental harm caused by 'legitimate' behaviour.

Harm as crime

Many novel issues and conducts have compounded the dilemmas and expanded the arena of this relatively new branch of criminology, in ways that not long ago would have been unpredictable. Climate change, the disposal of toxic waste, illegal fishing, deforestation, the exploitation of tar sands, the illegal trade in reptile and endangered species, the destruction of biodiversity, are only some of them. What these conducts have in common is an international, global, character. What differentiates them is whether or not they constitute violations of law. The notion of environmental harm which denotes this field of research transcends the legal definitions provided by the jurisprudence and by conventional criminology, and relates specifically to the wider ecological and green domain. The task of what is termed 'eco-global criminology' is, therefore, to name harms as criminal, irrespective of their legal definition (White, 2010). In this way, the traditional perspective guiding the study of white collar crime returns, as found in the pioneering work of Edwin Sutherland.

Research has addressed equatorial deforestation as a harmful practice and a criminological issue. In a 'world tour' around the equator, three types of, often illegal, activities characterising deforestation of tropical rainforests are found: logging, mining and land conversion for agriculture. The effects of such practices may be disastrous, as they are said to be responsible for 20 per cent of global greenhouse emissions. A typical area in which Sutherland's intuitions could be easily applied, this is an area in which criminologists may well be active, while law enforcement is mostly absent (Boekhout van Solinge, 2010).

That these concerns are global is proven by the movement of toxic harms across increasingly porous borders (Heckenberg, 2010). Green criminology locates 'transfer' within the growing interconnection of markets and the expanding flow of goods, a

process that is not exempt from its own specific form of 'othering' (South, 2010). In other words, the production and delivery of specific goods, services and technologies are located in particular countries, where human costs and environmental harms are also transferred. Such countries, of course, may be in the condition where priority for survival and subsistence, wittingly or otherwise, lead them to accept ecological risks. Relocation to vulnerable countries and communities of activities or substances that cause environmental degradation is deemed a form of ecological imperialism relying on established 'toxic distribution networks'. A key question posed by this type of research is why the violations involved continue to be associated with, or defined as, harms when in lay terms they are criminal in nature and impact. The examination of environmental harm as non-criminalised conduct also focuses on global warming as global crime, with a particular emphasis upon the complicity between national states and corporate actors. The 'ecological footprint' of nations is discussed, namely the amount of land, water and air used by them to produce the commodities each of them consumes. 'Despite its wealth of natural resources, the nation with the largest ecological footprint is the US, making it the largest contributor to the problem of global warming' (Lynch and Stretesky, 2010, p. 64).

The literature offers examples of polluting behaviour in fast-growing economies and developing countries. The case of China is, in this respect, of particular interest for the geo-political backdrop against which it should be read: are new, rampant, economies to be allowed to follow in the footsteps of developed economies, thus claiming their equal right to destroy and degrade the environment? Or are they to be restrained in their development? If not, how can we still obsessively think of the variables 'development' and 'growth' as a panacea for the well being of humanity? In a concluding remark to his research, Yang Shuqin (2010, p. 158) candidly argues: 'As a Chinese citizen, I have deeply felt the benefits brought by the recent economic development as I have grown up. However, it is also painful to see that the blue sky, green trees and clear water are leaving us. I sincerely wish that while investing, building factories and making profits in China, the multinational companies could leave us a blue sky, and our offspring a foundation for sustainable development'.

How social justice can accommodate responses to environmental crime is still hard to see. Responses may derive from the drawing together of political and practical action to shape public policy, beyond the state-territorial principle (South, 2010). On the other hand, the *ecocidal tendencies* of late modernity may be hard to oppose, as the green movement has repeatedly experienced. Green criminology, it would appear, is destined to encounter the same dilemma that has hampered green party politics for many years. The former may well be concerned with harm as the outcome of both legal and illegal practices, and invoke notions of environmental morality and ecological rights. However, it is bound to relate its research and intellectual production to the vexed distinction between 'shallow' and 'deep' ecology. Shallow ecology appears to believe that the technology which is destroying the environment may also rescue it: a managerial approach to environmental problems will be sufficient to solve problems, without fundamental changes in present values or patterns of production and consumption. Deep ecology, by contrast, embraces a holistic outlook, whereby humans are interconnected with each other and are constantly in relationship with everything around them – they are part of the flow of energy, the web of life. Radical changes in production and

consumption patterns, but also in the fundamental principles and values expressed by the undeservedly respected 'science' of economics, are necessary.

It is worth, now, discussing the legal framework within which activities harming the environment take place.

A conceptual hybrid

Environmental law can be described as a conceptual hybrid, in that its doctrinal content largely derives from principles enunciated in other legal contexts (Ruggiero and South, 2010). It is inspired, on the one hand, by public law, consisting of sets of regulations, procedural constraints, and control processes. It contains, on the other hand, elements of private law, where it affects property and other recognised rights and interests. 'Therefore, there can be a sense that environmental law discourse is ultimately shackled by a dependent, satellite status, a repository of greener values, but for the most part swimming against a distinctively ungreen tide of prevailing legal priorities' (Stallworthy, 2008, p. 4-5). Environmental law, in other words, suffers the legacy of legal reasoning geared to the protection of socio-economic systems heavily orientated towards unfettered industrial growth, production and consumption.

Increasing commitment to market freedom has created a situation in which ethics, education and the 'invisible' mechanisms of the economy itself are seen as the only regulatory tools upon which states are expected to rely. Critics, however, argue that legal control cannot be discarded, and that strategies require 'legal embeddedness' if they are to succeed. 'The environment needs good law if it is to avoid suffering further serious harm' (Wilkinson, 2002, p. 8). More specifically, laws are faced with the challenges posed by the following three categories of conduct: a) legal persons discharging substances in accordance with the conditions established by a licence; b) legal persons discharging substances in breach of their licence; c) legal persons discharging substances without holding a licence (Wolf and Stanley, 2003). It may be true, as Stallworthy (2008, p. 1) argues, that environmental law is evolving 'to the stage that it has developed a coherent basis of applicable theory and principles'. It has to be stressed, however, that such law has mainly focused upon the second and third category mentioned above, namely on the harm caused by white collar, corporate or conventional offenders, while the damage caused by industrial development itself has remained largely unaddressed. And yet, the reach of environmental law could potentially introduce into legal discourse 'long unasked questions as to the ecosystem and biodiversity protection, as well as appropriate conditions for access and use of natural resources' (ibid, p. 3).

In response to such problems, the notion of inter-generational equity has been set forth, namely a theory of 'justice between generations' identifying obligations and rights enforceable in international law. According to this theory, each generation receives a natural and cultural legacy from previous generations that it holds in trust for succeeding ones. This partnership between the living, the dead, and the unborn entails 'a duty on mankind to pass on to succeeding generations a planet at least as healthy as the one it inherited so that each generation will be able to enjoy its fruits' (Kofele-Kale, 2006, p. 324). It is hard to establish, however, how such moral obligation ought to be turned into a legal one. Some authors tend to see its fairness and concerns as perfectly suitable for incorporation into statutory legal principles (Wolf and Stanley, 2003). Others, by contrast, criticise governments for their unwillingness or inability to translate such moral obligation into radical regulatory measures. In an effort to balance business

interest with public interest, governments can at most implement policies that limit rather than eliminate environmental damage. Such measures may include the ‘polluter pays’ rule, whereby businesses should internalise the costs of the pollution they generate; ‘eco-taxes’, which are expected to encourage firms to reduce the environmental impact of their activities; and ‘emissions trading’ as an ‘eco instrument’ which establishes the maximum level of ‘pollution credits’ for businesses. ‘Over time, the regulator reduces the number of credits in circulation and this results in an increase in the price of the credits. This provides a financial incentive for participating firms to reduce their need for credits by developing less polluting methods of production’ (ibid, p. 18).

Critics of these ‘eco instruments’ remark that environmental law as a whole has proved a colossal failure, despite good intentions and the hard work of many citizens, lawyers and government officials. Agencies are accused of adopting an excessive degree of discretion in their statutes so that continuing damage to the atmosphere and other natural resources is allowed. In response, a ‘public trust doctrine’ is advocated as a fundamental mechanism to ensure governmental protection of the environment and of public welfare. ‘At the core of this doctrine is the principle that every sovereign government holds vital natural resources in “trust” for the public’. In this way, a shift is encouraged from a system driven by political discretion to ‘one that is infused with public trust principles and policies across all branches of government and at all jurisdictional levels’ (Wood, 2009, p. 43). The expansion of the public’s *res* would add new quantifiable assets to the range of collective protected interests. ‘While the courts have traditionally focused on water and wildlife resources in applying the public trust, the new climate-altered world demands a far more encompassing definition of the public’s natural *res*’ (ibid, p. 78).

A more critical approach to this topic emerges when Max Weber’s analysis of law and the economy is revisited. The broader perspective provided by Weber, as I will attempt to show, leads to a deeper understanding of the relationship between legality, economic development and the environment.

Law and economy

There are legal and sociological points of view. Through the former, we ask: What is intrinsically valid as law? That is to say: What significance or what *normative* meaning ought to be attributed to a verbal pattern having the form of a legal proposition? In a sociological perspective, the question becomes:

> ‘What *actually* happens in a group owing to the *probability* that persons engaged in social action, especially those exerting a socially relevant amount of power, subjectively consider certain norms as valid and practically act according to them, in other words, orient their own conduct towards these norms?’ (Weber, 1978, p. 311).

This distinction also determines the relationship between law and economy.

Jurists, Weber explains, take for granted the empirical validity of legal propositions, therefore they examine each of them and try to determine the logic and the meaning those propositions have within a coherent system. Jurists, in brief, are concerned with the "legal order". Sociological economics, on the other hand, considers actual human activities as they are conditioned by the necessity to take into account the facts of economic life. 'The legal order of legal theory has nothing directly to do with the world of real economic conduct, since both exist on different levels. One exists in the realm of the *ought*, while the other deals with the world of the *is*' (ibid). Environmental crime and the illegal dumping of waste belong to the world of the *is*, and constitute strategies prompted by the difficulties and uncertainties actors face in the economic arena. Such strategies spread, multiply, mushroom, becoming what Weber describes as 'habituation' and 'custom', and although illicit, they determine 'unreflective conducts' which, with time, become morally acceptable.

Mere custom can be of far-reaching economic significance, in that its strategies, as Weber suggests, do not arouse the slightest disapproval while gradually giving way to imitation. 'Adherence to what has as such become customary is such a strong component of all conduct and, consequently, of all social action, that legal coercion, where it opposes custom, frequently fails in the attempt to influence actual conduct' (ibid, p. 320). Convention is equally effective, if not more. Weber argues that individuals are affected by responses to their action emanating from their peers rather than from an earthly or transcendental authority. The existence of a 'convention' may thus be far more determinative of conducts than the existence of a legal enforcement machinery. Of course, it is hard to clearly establish the point at which certain actions become custom and certain modes of conduct take on a binding nature. Nevertheless, Weber sees 'abnormality' (or in our lexicon, deviance) as the 'the most important source of innovation… capable of exercising a special influence on others' (ibid: 320-321).

Innovation, in economic initiative as well as in deviance, is constituted by a number of elements. First, there is 'inspiration', namely a sudden awareness that a certain action ought to be undertaken, irrespective of the drastic, or illegitimate, means it requires. Second, there are empathy or identification, namely influencing others into acting and at the same time being influenced by their action. When conducts begin to observe a degree of regularity, the third element, *oughtness*, emerges, 'producing consensus and ultimately law' (ibid, p. 323).

> 'Obviously, legal guarantees are directly at the service of economic interests to a very large degree. Even where this does not seem to be, or actually is not, the case, economic interests are among the strongest factors influencing the creation of law… The power of law over economic conduct has in many respects grown weaker rather than stronger' (ibid, p. 334-5).

Weber is suggesting that the relationship patterns among economic actors are determined by experimentation that then turns into habit and are impervious to normative adjustments. The difficulties increase with the degree of development and the growing interdependence of individual economic units in the market and, consequently, the dependence of every one upon the conduct of others. But crucially, Weber remarks that the limitation of successful legal coercion in the economic sphere is due to the strength of private economic interests, on the one hand, and interests promoting

conformance to the rules of law, on the other. The inclination to forego economic opportunity simply in order to act legally is obviously slight, he remarks, unless circumvention of the formal law is strongly disapproved by powerful actors and collectivities. 'Besides, it is often not difficult to disguise the circumvention of a law in the economic sphere' (ibid, p. 335).

In brief, looking at environmental crime, we are faced with economic subjects engaged in *instrumentally rational* action, determined by the calculated end of profit; *value-rational* action, determined by the belief that bending rules is an ethical necessity; *affectual* action, inspired by the emotional aspect of material gain; and in *traditional* action, that is, 'determined by ingrained habituation' (ibid, p. 24-25).

Weber describes a process whereby deviance is a constant possibility in economic initiative, as his analysis embraces both legitimate and illegitimate profit-making activities. His focus on opportunities for predatory profit, for example, explicates the relationship between economic actors and politicians, remarking that the latter are not required to design legal rules in general, but legal rules which maximize economic efficiency and profit. In his analysis, therefore, innovation amounts to violation of norms, while habit establishes the regularity of new conducts. In this process, it is law which is required to adapt to innovation rather than the other way round. Let us see some aspects of this process in more detail.

Innovation as deviance

In economic classical thought we often find warnings about an inbuilt tendency determining a decline of profits. Against this tendency, innovation is advocated, whereby entrepreneurs are expected to mobilise their creativity and, in perpetual agitation, transcend established conducts, in a process sustained by constant transgression. In David Ricardo (1992), for example, innovation sums up the difficulties, ambiguities and shortcomings of economic initiative and its inherent transgressive impetus. The concept is fully developed by Schumpeter (1961a; 1961b), who identifies the main characteristics of the entrepreneurial spirit exactly on the basis of the variable innovation. He distinguishes between those economic actors passively following tradition and those more inclined to adopt new technologies. Only the latter are granted the definition of entrepreneurs, as the economic process, in his view, is an evolutionary one, and when forced to remain stationary it should not be described as a process in the first place. The fundamental impulse setting and keeping the economic engine in motion, according to Schumpeter, derives from new consumer goods, new methods of production or distribution, new markets, and new forms of industrial organisation. The author resorts to a biological metaphor to illustrate the process of economic mutation. This, he argues, incessantly revolutionises the economic structure from within, incessantly destroying the old one, incessantly creating a new one. This is the celebrated concept of 'creative destruction' elaborated by Schumpeter.

It is not surprising that the term innovation found its way into the vocabulary of the sociology of deviance. The term, in effect, while capturing the entrepreneurial spirit in a nutshell, also encapsulates a disquieting gist of entrepreneurial deviance. Economic actors, in order to be actors at all, must avoid the habitual flow, escape from stagnant conditions and deviate from mainstream behaviour: they must fight against the whirl of

conformity. These observations, made by economist Schumpeter, echo those elaborated within the sociology of deviance by Merton (1968). Innovation, in Merton, is one of the deviant adaptations available to strained social and economic conditions. In his words, the history of the great American fortunes is threaded with various strains toward institutionally dubious innovation, while of those located in the lower reaches of the social structure, the culture makes incompatible demands. On the one hand, they are asked to pursue wealth and success, and on the other, they are largely denied effective opportunities to do so legally. Within this context, with society placing a high premium on affluence and social ascent, and with the channels of vertical mobility being closed or narrowed, Al Capone represents the triumph of amoral intelligence over morally prescribed failure. But let us bring the analysis of the variable innovation a bit further.

If this variable epitomises the ambiguity of 'economic development' and 'crime' as discreet spheres of human activity, how does it apply to the sphere of environmental crime? These crimes innovate both in Schumpeter's sense and in Merton's sense. They introduce new combinations of productive factors, while devising deviant adaptations to economic strain, therefore pursing legitimate goals through illegitimate means.

Creative destruction

While in Max Weber innovation results from, and is the result of, the distance between law and economy, in Schumpeter innovation alludes to a process of creative destruction, as we have seen, which in his view is the essential fact about market economies. Economists would retort that the deviance identified by Weber in the economic process and the destruction posited by Schumpeter in the form of innovation amount to externalities, namely unintended consequences suffered by third parties, that is individuals and groups who do not participate directly in a transaction. Such consequences are not among the preoccupations of economists, rather they belong to the remit of states. In this way, states are required not to interfere with market forces, but are called upon only at the final stage of the economic process, that is when the devastation produced by such process becomes visible and has to remedied.

In this final section, a crucial aspect of environmental crime may emerge if the implicit logic of economic development is critiqued. According to the picture provided by Max Weber, we are faced with conducts which are hardly susceptible to the control and discipline of legal norms. If we adhere to this view in a more comprehensive way, we have to conclude that development itself, and the growing complexity of markets, make legal coercion increasingly difficult to apply to the economic sphere. As a logical consequence, we may advocate a halt to economic development itself as the only way of reducing and preventing environmental crime. This is an argument against insatiability put forward by a number of critical economists who say 'enough is enough', thus challenging the current obsession with the growth of the Gross Domestic Product (GDP) (Skidesky and Skidelsky, 2012). 'To say that my aim in life is to make more and more money is like saying that my aim in eating is to get fatter and fatter' (ibid, p. 5). The critique of wealth, growth and the GDP may constitute a good analytical start for the designing of preventative measures.

Neoliberal thinkers such as Hayek (1973) tell us that economic initiative forges a 'spontaneous order', a utopian state of affairs to which market actors will attempt to adhere, but only rarely will they approximate. Deviant elites harming the environment translate this utopia into concrete practice, albeit such translation requires violation of

rules and illegality. In their case, total freedom ‘spontaneously’ leads to crime, a form of ‘creative destruction’ more real than metaphorical. Such destruction targets not only institutional frameworks and traditional forms of state sovereignty, but also ‘social relations, welfare provisions, ways of life and thought, reproductive activities, attachment to the land and habits of the heart’ (Harvey, 2011, p. 3). Neoliberalism, in advocating the maximization of the reach and frequency of market transactions, seeks to bring all human action into the domain of the market. The consequence of this economic theology is that markets are required to replace governments, and that economics be entrusted with the task of abolishing politics, seen as a cumbersome obstacle to freedom of choice (Agamben, 2009). Economics as a ‘science’ posited by neoliberalism cannot accept to be hindered by human and political choice, as choices are regarded as automatic, necessary outcomes of mathematical formulae, uncontrollable effects of competing actors in the market place (Terni, 2011).
Moreover,

> ‘The drive towards market freedoms and the commodification of everything can all too easily run amok and produce social incoherence. The destruction of forms of social solidarity leaves a gaping hole in the social order. It then becomes peculiarly difficult to combat anomie and control the resultant anti-social behaviours such as criminality’ (Harvey, 2011, p. 80).

Is wealth a value? This question was vehemently posed over four decades ago by Dworkin (1980), who contested the commonly shared assumption that wealth maximization is the core aim of economic initiative. He set off his argument by noting that societies with more wealth are not necessarily better off than societies with less. Only those who personify society believe that the former imply wealthier individuals. Wealth may be thought to be a component of social value, that is something worth having for its own sake. But there are two versions of this claim, termed ‘immodest’ and ‘modest’ version respectively. The first holds that social wealth is the only component of social value, while the second argues that it is one component among other values. The second links value with a distributional component, thereby describing wealth as an instrument enabling all ‘to lead a more valuable, successful, happier, or more moral life’ (ibid, p. 201). A safe and clean environment is, we may add, among these values that should accompany the production of wealth.

In a similar critique of the concept of growth, it is noted that its very measurement ignores variables such as distribution and social justice: countries with exceptional growth rates may display exceptional levels of inequality and an average low quality of life. Turning to the official measurement of the GDP, this results from the sum of all the goods and services produced inside a country, divided by the number of people inhabiting it (Fioramonti, 2013). Again, the measurement distorts the actual success of countries and their economic systems, not only because it fails to consider the variable social equality, but also because it includes some service sectors which signal bad, rather than good performance. For example, considering the health and the public sectors, expenditure in these sectors tells us more about the victims of growth than anything else, as those in need of health and public care are the ‘unintended consequences’ of a growing GDP.

> 'America, for instance, gets worse health outcomes, in terms of longevity or virtually any other measure of health performance, but spends more money. If we were measuring performance, the lower efficiency of America's sector would count against the US, and France's health care sector output would be higher. As it is, it's just the reverse, the inefficiency helps inflate America's GDP number' (Stiglitz, 2012, p. 183).

The GDP does not adequately capture costs to the environment, nor does it assess the sustainability of the growth that is occurring. In fact, costs to the environment are related in a positive manner to the GDP, as they officially reflect entrepreneurial efforts, productive activity and wealth. On the contrary, depletion of resources should account for diminishing wealth and a declining GDP. But 'industries like coal and oil want to keep it that way. They don't want the scarcity of natural resources or the damage to our environment to be priced, and they don't want our GDP metrics to be adjusted to reflect sustainability' (ibid, p. 99). Including the costs to the environment as a negative item within the GDP would imply that industries should be charged for the damage caused. As they are not charged, they are indirectly receiving hidden subsidies, which add to other gifts such as favourable tax treatment and access to resources at below fair market prices. Oil companies intending to intensify or multiply offshore drilling are aware that, simultaneously, they have to ensure that laws are implemented which make them unaccountable for the possible damage produced. 'Because of the oil and coal companies that use their money to influence environmental regulation, we live in a world with more air and water pollution, in an environment that is less attractive and less healthy than would otherwise be the case' (ibid, p. 99). Those who oppose economic regulations argue that they are costly, and that they reduce growth. According to a critical view, instead, economic development causing environmental degradation makes a negative contribution to the creation of wealth.

Challenging growth implies a critique of consumption, rendered by Keynes (1978) into a critique of wants. This involves a comparison between what one wants and what others have, and a realisation that no level of material wealth is likely to be satisfying as far as others possess more (Skidelsky and Skidelsky, 2012). Wants come in the form of 'status spending', namely consumptions which make us feel superior to our fellows, or as advertisements of our own success in accumulating money.

In this perspective, growth is criminogenic not only because it can be metaphorically equated to obesity, but also because it depicts greed and acquisitiveness in a positive light, making them core values of individual and collective behaviour. Simultaneously, growth as we have experienced it over the decades exacerbates the polarisation of wealth, therefore increasing relative deprivation, one of the central variables in the analysis of crime. Ultimately, as a manifestation of insatiability, growth is a form of pathology, like the uncontrollable desire to collect things or to swallow enormous quantities of food. A radical critique of economic growth, therefore, could be a first step towards the prevention of environmental crime.

In conclusion, a full understanding of environmental crime requires an analysis of illegal behaviour adopted by conventional criminal organisations, but also of the illicit practices put in place by official economic actors and political representatives. Finally, it prompts attention to the very logic of economic development, the 'creative destruction' encouraged by unfettered growth (Ruggiero, 2013). No other harmful activity requires similar multidisciplinary efforts.

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